

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
MICHAEL ALEXANDER,

Index No.:

Plaintiff,

SUMMONS

-against-

Basis of Venue: CPLR §503(a)

STEVEN HAMMOND,

Defendant.
-----X

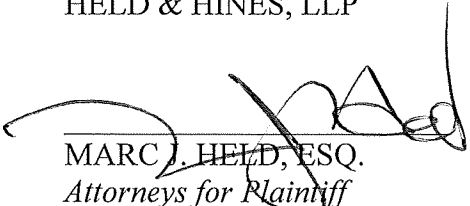
To the above-named defendant,

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within (20) days after the service of this Summons, exclusive of the day of service (or within (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or Answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Brooklyn, New York
May 17, 2019

Yours, etc.,

HELD & HINES, LLP


MARC J. HELD, ESQ.
Attorneys for Plaintiff
2004 Ralph Avenue
Brooklyn, New York 11234
718-531-9700

Defendant's Address:
STEVEN HAMMOND
7W. 96th Street PH 19B
New York, New York 10025

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
MICHAEL ALEXANDER,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

-against-

STEVEN HAMMOND,

Defendant.
-----X

Plaintiff, by his attorneys, HELD & HINES, LLP, complaining of the defendant herein, alleges as follows:

1. At all times hereinafter mentioned, plaintiff, MICHAEL ALEXANDER, was and remains a resident of the County of Kings, State of New York.

2. Upon information and belief, defendant, STEVEN HAMMOND, is a resident of the County of New York, State of New York.

3. At all times hereinafter mentioned, Plaintiff was employed by "Equinox Fitness" in the City and the State of New York.

4. On or about May 21, 2018, while at the men's steam room at the Equinox located at 14 Wall Street, New York, New York ("subject premises" or "health club"), the plaintiff was harassed, imprisoned and assaulted by defendant STEVEN HAMMOND.

5. On or about May 21, 2018, while Plaintiff was performing his work duties in the steam room of said health club, defendant STEVEN HAMMOND, who was, upon information and belief, a member of Equinox, did open and/or remove his own towel and expose his genitals to Plaintiff.

6. On or about May 21, 2018, while Plaintiff was in the steam room of said health club, defendant STEVEN HAMMOND, who was, upon information and belief, a member of Equinox, did stare at the plaintiff and begin masturbating to and in close proximity of the plaintiff.

7. On or about May 21, 2018, while Plaintiff was performing his work duties in the steam room of said health club, defendant STEVEN HAMMOND, who was, upon information and belief, a member of Equinox, did make unwelcome sexual advances at the plaintiff.

8. On or about May 21, 2018, defendant STEVEN HAMMOND assaulted the plaintiff, MICHAEL ALEXANDER in the subject premises.

9. As set forth above, on or about May 21, 2018, the plaintiff, MICHAEL ALEXANDER, was exposed to inappropriate, lewd, embarrassing, and humiliating sexual behaviors and activities by the defendant STEVEN HAMMOND.

10. Plaintiff, MICHAEL ALEXANDER, feared for his safety and that he would be sexually touched and assaulted by defendant STEVEN HAMMOND.

11. Fearing for his personal safety, plaintiff MICHAEL ALEXANDER, attempted to exit the steam room and report the matter to other employees of the Equinox gym; however, defendant STEVEN HAMMOND blocked the door and prevented plaintiff MICHAEL ALEXANDER from exiting the steam room, trapping him inside for several minutes.

12. Following the subject incident, defendant STEVEN HAMMOND did intimidate, harass, and threaten plaintiff MICHAEL ALEXANDER in an effort to prevent him from reporting defendant's criminal conduct.

13. Following the subject incident, plaintiff MICHAEL ALEXANDER reported the defendant's unlawful conduct to the New York City Police Department ("NYPD").

14. Following the subject incident, defendant STEVEN HAMMOND was arrested by the NYPD for said unlawful conduct.

15. Following the subject incident, plaintiff did not return to work at Equinox and lost his job.

**AS AND FOR A FIRST CAUSE OF ACTION:
FALSE IMPRISONMENT**

16. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior applicable paragraphs with the same force and effect as if more fully enumerated hereinafter.

17. On or about May 21, 2018, defendant STEVEN HAMMOND did block the doorway and prevent Plaintiff from leaving the men's steam room for several minutes.

18. On or about May 21, 2018, defendant STEVEN HAMMOND did restrain and restrict Plaintiff's ability to leave the men's steam room against Plaintiff's will.

19. On or about May 21, 2018, defendant STEVEN HAMMOND did not have legal justification to restrain and restrict Plaintiff's ability to leave the men's steam room.

20. As set forth above, defendant STEVEN HAMMOND did falsely imprison the plaintiff.

21. That due to the defendant's conduct, plaintiff MICHAEL ALEXANDER was caused to suffer and sustain pecuniary losses and physical, psychological and emotional injuries, including but not limited to mental trauma, fear, humiliation, shame, stress, and anxiety, along with the physical manifestations of same.

22. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

**AS AND FOR A SECOND CAUSE OF ACTION:
ASSAULT**

23. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior applicable paragraphs with the same force and effect as if more fully enumerated hereinafter.

24. On May 21, 2018, Defendant did intend to cause Plaintiff reasonable apprehension of imminent and harmful conduct.

25. On May 21, 2018, Defendant did cause Plaintiff reasonable apprehension of imminent and harmful conduct.

26. On May 21, 2018, Defendant assaulted the Plaintiff.

27. By virtue of the foregoing, Defendant did assault the plaintiff.

28. As a direct and proximate result of Defendant's conduct, plaintiff MICHAEL ALEXANDER was caused to suffer and sustain pecuniary losses and physical, psychological and emotional injuries, including but not limited to mental trauma, fear, humiliation, shame, stress, and anxiety, along with the physical manifestations of same.

29. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

**AS AND FOR A THIRD CAUSE OF ACTION:
BATTERY**

30. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior applicable paragraphs with the same force and effect as if more fully enumerated hereinafter.

31. On May 21, 2018, Defendant did intend to make offensive contact with Plaintiff.

32. On May 21, 2018, Defendant did make offensive contact with Plaintiff.

33. Defendant did not have Plaintiff's consent or legal justification to make such

contact with Plaintiff.

34. By virtue of the foregoing, Defendant did batter Plaintiff.

35. That due to the defendant's conduct, plaintiff MICHAEL ALEXANDER was caused to suffer and sustain pecuniary losses and physical, psychological and emotional injuries, including but not limited to mental trauma, fear, humiliation, shame, stress, and anxiety, along with the physical manifestations of same.

36. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

AS AND FOR A FOURTH CAUSE OF ACTION:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

37. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior applicable paragraphs with the same force and effect as if more fully enumerated hereinafter.

38. As set forth above, Plaintiff reasonably feared for his safety and that he would be sexually touched and assaulted by defendant STEVEN HAMMOND.

39. As set forth above, Defendant's conduct was criminal, extreme, and outrageous.

40. As set forth above, Defendant's extreme and outrageous behavior was intentional.

41. As set forth above, Defendant's extreme and outrageous behavior was reckless.

42. As set forth above, Defendant, through his harassment, assault, battery and false imprisonment of Plaintiff, did inflict emotional distress upon the Plaintiff.

43. Defendant did disregard a substantial probability of causing Plaintiff severe emotional distress.

44. That due to the defendant's conduct, plaintiff MICHAEL ALEXANDER was caused to suffer and sustain pecuniary losses and psychological and emotional injuries, including

but not limited to mental trauma, fear, humiliation, shame, stress, and anxiety, along with the physical manifestations of same.

45. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial, but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

**AS AND FOR A FIFTH CAUSE OF ACTION:
NEGLIGENCE**

46. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior applicable paragraphs with the same force and effect as if more fully enumerated hereinafter.

47. Defendant was negligent in the instance in acting with reckless disregard for Plaintiff's safety, security and health; in setting a trap for the Plaintiff; in failing to take cognizance of a dangerous and escalating situation; in failing to give the plaintiff notice and/or warning; in causing and creating a dangerous condition conducive to cause mental anguish; in causing, permitting and/or allowing Plaintiff to be harassed, assaulted, and falsely imprisoned; and this defendant was otherwise negligent, careless and reckless in the instance.

48. That due to the defendant's conduct, plaintiff MICHAEL ALEXANDER was caused to suffer and sustain pecuniary losses and physical, psychological and emotional injuries, including but not limited to mental trauma, fear, humiliation, shame, stress, and anxiety, along with the physical manifestations of same.

49. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial, but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

**AS AND FOR A SIXTH CAUSE OF ACTION:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

50. Plaintiff repeats, reiterates and realleges each and every allegation contained in the prior applicable paragraphs with the same force and effect as if more fully enumerated hereinafter.

51. As set forth above, Plaintiff reasonably feared for his safety and that he would be sexually touched and assaulted by defendant STEVEN HAMMOND.

52. As set forth above, Defendant's conduct was criminal, extreme, and outrageous.

53. As set forth above, Defendant's extreme and outrageous behavior was negligent.

54. As set forth above, Defendant, through his conduct alleged, did inflict emotional distress upon the Plaintiff.

55. As set forth above, Defendant, through his negligence in the instance, did inflict emotional distress upon the Plaintiff.

56. That due to the defendant's conduct, plaintiff MICHAEL ALEXANDER was caused to suffer and sustain pecuniary losses and psychological and emotional injuries, including but not limited to mental trauma, fear, humiliation, shame, stress, and anxiety, along with the physical manifestations of same.

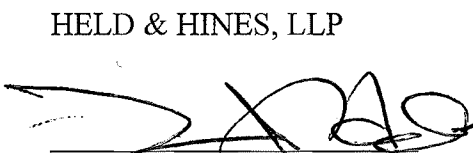
57. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial, but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

WHEREFORE, Plaintiff demands judgment against Defendant, jointly and severally, in a sum to be determined at trial but in any event in excess of the jurisdictional limits of all lesser courts, together with attorney's fees and the costs and disbursements of this action.

Dated: Brooklyn, New York
May 17, 2019

Yours, etc.,

HELD & HINES, LLP

A handwritten signature in black ink, appearing to read 'M. Held', is written over a horizontal line.

MARC J. HELD, ESQ.

Attorneys for Plaintiff

Office and P.O. Address

2004 Ralph Avenue

Brooklyn, New York 11234

Tel: (718) 531-9700

ATTORNEY VERIFICATION

MARC J. HELD, an attorney duly licensed to practice in the courts of the State of New York, hereby affirms the following under penalties of perjury:

That I am a member of the law firm of HELD & HINES, L.L.P., attorneys for the plaintiff in the within action; that I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; and that the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters, I believe them to be true. The reason this Verification is made by me and not by the plaintiff is that said plaintiff resides outside of the County in which the Affirmant's office is located.

The grounds of my belief as to all matters stated upon my own knowledge are as follows: the records, reports, contracts, and documents contained in the plaintiffs' file.



MARC J. HELD, ESQ.

Affirmed to May 17, 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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Index No.:

Plaintiff,

-against-

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Defendant.

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SUMMONS and COMPLAINT

HELD & HINES, L.L.P.
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2004 Ralph Avenue
Brooklyn, New York 11234
(718) 531-9700

Signature (Rule 130-1.1-a)


MARC J. HELD, ESQ.